

Getting Started

Eviction Complaint

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to ask the court to evict a tenant from your property. Your use of the forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *HOW TO FILE & PRESENT AN EVICTION CASE* instruction sheet and the instructions on the forms.

<p>Names of forms:</p>	<p>You will probably need to give written notice to the tenant or occupant first. Which notice you use depends on the facts in your case:</p> <ul style="list-style-type: none"> • <i>Notice of Termination for Non-Payment of Rent;</i> • <i>Notice of Termination for Lease Violation (Other than Non-Payment of Rent);</i> • <i>Notice of Non-Renewal of Lease or Termination of Tenancy;</i> OR • <i>Demand for Immediate Possession.</i> <p>After a <i>Notice</i> or <i>Demand</i> is served, you should complete:</p> <ul style="list-style-type: none"> • <i>Affidavit of Service of a Demand or Notice.</i> <p>After the notice period expires (if applicable), the required forms are:</p> <ul style="list-style-type: none"> • <i>Eviction Complaint;</i> AND • <i>Summons.</i> <p>Optional forms depending on the facts in your case are:</p> <ul style="list-style-type: none"> • <i>Affidavit – Supporting Documents Not Attached to Eviction Complaint;</i> • <i>Letter to Sheriff (Serving an Eviction Summons & Eviction Complaint);</i> • <i>Affidavit for Service by Posting;</i> AND • <i>Notice by Posting Requiring Appearance in a Pending Eviction Action.</i>
<p>Purpose of the forms:</p>	<p>Use these forms when you want to evict a person from your property. The forms will help you:</p> <ul style="list-style-type: none"> • Notify a tenant that the lease was violated or will not be renewed; • Notify a squatter or trespasser that they have to leave immediately; • Ask a judge to evict a person from your property; AND • Notify the person about an eviction case.
<p>Types of cases the forms CAN be used for:</p>	<p>Residential evictions.</p>
<p>Types of cases the forms CANNOT be used for:</p>	<p>These forms are not meant to be used in the following types of eviction cases: commercial, post-foreclosure, mobile homes, condominium actions against owners, public and project based subsidized housing, and contracts for deed (also called rent to own agreements or installment sales agreements).</p>
<p>Special information or papers needed to complete the forms:</p>	<p>You will need your address, the names of the known occupants, the address of the property including any unit number, the lease, how much rent is due, if any, and details about violations of the lease.</p>
<p>Statutes covering the forms:</p>	<p>735 ILCS 5/9, section 101 through section 307 Illinois Supreme Court Rule 139</p>
<p>Where to find the forms and instruction sheet:</p>	<p>illinoiscourts.gov/Forms/approved/</p>
<p>For more information:</p>	<p>Read the <i>HOW TO FILE & PRESENT AN EVICTION CASE</i> instructions that come with these forms. You may also find more information, resources, and the location of your local legal self-help center at illinoislegalaid.org.</p>

HOW TO FILE & PRESENT AN EVICTION CASE

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OVERVIEW TO FILING AN EVICTION CASE

This page gives the basics of the eviction process. For more detail on the process, read this whole packet.

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary.

Who is the Plaintiff and who are the Defendants in this case?

- The Plaintiff files the lawsuit and is usually the landlord or owner of the property. If a corporation or LLC owns the property, it must hire a lawyer. Property managers cannot file on behalf of the owner.
- The Defendants are being sued and are the tenants or occupants of your property. A tenant is someone with an oral or written lease. An occupant is someone who does not have an oral or written lease, but lives in the property (includes squatters and trespassers).
- The Plaintiff files an eviction case to make the Defendants move out. The Plaintiff can also ask for unpaid rent.

How do I evict someone living on my property?

- There is only one way to evict a tenant or an occupant who does not agree to leave.
- You must file an eviction case, win the case, get an eviction order, and ask the sheriff to enforce this order by performing an eviction.
- **NOTE:** Trying to evict a person without a court order is AGAINST THE LAW! You may not change locks, turn off utilities, or take any other action on your own to try to force a person to move.

Who should use these forms?

- These forms can help landlords or property owners who do not have a lawyer to file an eviction case. Do not try to file an eviction case until you have read this entire document.
- If you are not a lawyer, you cannot represent another person's interest in court. You must be the named plaintiff in an eviction and complete and sign all the filings on your own behalf. If a corporation or LLC owns the property, it must hire a lawyer.
- These instructions apply to most residential eviction cases. If there is a lease, it may provide for additional tenant rights. If it does, follow those. These forms are not intended to be used in these cases: commercial, post-foreclosure, mobile homes, condominium actions against owners, public and project based subsidized housing, and contracts for deed (also called rent to own agreements or

installment sales agreements). These cases might have additional legal requirements that these forms do not meet, so you may want to talk with a lawyer.

- Some cities, including Chicago, have different or additional requirements that these instructions do not discuss. Check with your local government about whether your city has adopted ordinances that apply to your eviction case.
- Most of these instructions assume that you are a landlord and that the people you are trying to evict are tenants. If the person is not a tenant, see the section entitled "How do I evict other occupants, squatters, or trespassers living in my property?" on page 3.

Where can I find the forms that I need?

You can find the forms at: illinoiscourts.gov/Forms/approved/.

What costs will I need to pay to ask the court to evict an occupant?

- The Circuit Clerk charges a filing fee and the sheriff charges a service fee. Contact your Circuit Clerk and sheriff to ask what filing an eviction case costs in your county.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* found at illinoiscourts.gov/Forms/approved/.

When can I start the eviction process?

You may start an eviction case in any of these circumstances:

- Your tenant owes rent;
- Your tenant's lease is about to expire and you do not want to renew it;
- Your tenant has violated the terms of the lease;
- Your tenant has no written lease and you would like them to move; OR
- An occupant is living on the property and they refuse to leave.

What are the steps in the eviction process?

- Step 1: Serve the Defendants with written notice.
- Step 2: Fill out and file an *Eviction Complaint* and *Eviction Summons*.
- Step 3: Serve the *Eviction Complaint* and *Eviction Summons* on the Defendants.
- Step 4: Go to court.
- Step 5: Enforce the *Eviction Order*.

These steps are described in more detail below.

STEP 1: SERVE THE DEFENDANTS WITH WRITTEN NOTICE

What type of notice should I use to tell the Defendants I am evicting them?

The type of notice you use depends on the reason for the eviction. Below is a list of the most common types of notices.

- If the tenant has not paid rent, you can use a *Notice of Termination for Non-Payment of Rent* (also known as a 5-Day Notice).
- If the tenant has violated the lease in another way other than the non-payment of rent, use a *Notice of Termination for Lease Violation (Other than Non-Payment of Rent)* (also known as a 10-Day Notice).
- If you do not want to renew an expiring lease, use a *Notice of Non-Renewal of Lease* (also known as a 30-Day Notice).
- If you are not renting to the occupants, use a *Demand for Immediate Possession*.
- Whoever serves the *Notice* or *Demand* should fill out an *Affidavit of Service of a Demand or Notice* describing how and when they served the *Notice* on the Defendants. This *Affidavit* may make it easier to prove in Court that the *Notice* was served.
- You only need to prepare 1 *Notice* or *Demand* and 1 *Affidavit of Service of a Demand or Notice* even if you have more than 1 tenant or unknown occupant to serve. Be sure to keep a copy of each one for yourself.

Each *Notice*, except for the *Demand for Immediate Possession*, has a different notice period. This is the number of days you must wait after the *Notice* is served before you can file your *Eviction Complaint*. If you file the *Eviction Complaint* before the notice period ends, the judge may dismiss it and you will have to start over.

NOTE: The notice requirements may be different if required by the lease, local landlord-tenant law, or in cases involving commercial leases, post-foreclosure, mobile homes, condominium actions against owners, public and project based subsidized housing, and contracts for deed (also called rent to own agreements or installment sales agreements).

How do I serve the written notice?

- You may serve the notice by:
 - Handing it to the Defendant;
 - Handing it to a person who is at least 13 years old and lives in the property;
 - Sending a copy of the notice to the Defendant by certified or registered mail, with a returned

receipt from the addressee (such as a green card); OR

- Posting it on the door, but ONLY if no one lives in the property.

NOTE: The service requirements may be different if required by the lease, local landlord-tenant law, or subsidized housing programs. If you are confused about this very important step in the process, talk with a lawyer.

How do I know when the notice period ends?

- Each *Notice* has a different notice period.
- The day you serve the *Notice* does not count.
- The notice period starts the day after you serve the *Notice*.
- The notice period ends at midnight of the last day of the notice period.
- You can file your case the day after the notice period ends.
- If the last day of the notice period is a Saturday, Sunday, or court holiday, the notice period ends at midnight of the next day that is not a Saturday, Sunday, or court holiday.
- For example, if you serve a *Notice of Termination for Non-Payment of Rent* (also known as a 5-day notice) on a Monday, Day 1 would start on Tuesday. Because Day 5 would be a Saturday, the notice period continues until the following Monday and you could file the eviction case on Tuesday. If that Monday is a court holiday, the notice period continues until Tuesday and you could file the eviction case on Wednesday.

How do I evict my tenant for not paying rent?

- Serve the tenant with a *Notice of Termination for Non-Payment of Rent* that demands that the overdue rent be paid within 5 days. This *Notice* is often called a "5-Day Notice." **NOTE:**
 - If your tenant offers you the full amount of the rent demanded in the *Notice* within 5 days, you **must** accept it and you cannot file the *Eviction Complaint*.
 - If your tenant offers you the full amount of the rent demanded in the *Notice* after the 5 days has passed but before you have filed an *Eviction Complaint*, you may accept the money but if you do, you will not be able to file the *Eviction Complaint*.
 - If your tenant offers you the full amount of the rent demanded in the *Notice* after you filed an *Eviction Complaint*, ask the judge before cashing the check or before spending or depositing the money.

How do I evict a tenant whose lease has ended and I do not want to renew?

If the lease ends on a specific date (and the lease terms do not say it automatically changes to a month-to-month tenancy) and your tenant does not move out, you may file an *Eviction Complaint* the very next day.

- You may not file an eviction action the very next day if your local landlord-tenant law or lease requires you to give your tenant advance written notice that you do not want to renew the lease.
- If you are unsure about whether a notice is required, it is better to give your tenant a *Notice*.

NOTE: Under Chicago law, renters must be given written notice that the lease will not be renewed at least 30 days before the end of their lease.

How do I evict other occupants, squatters, or trespassers living in my property?

- If you are unsure if the occupants have a lease or not, you need to try to make contact with them to find out if they have a lease and to get a copy of it if it is in writing.
 - If they have an existing lease, you may have to honor it.
- If the people living in your property do not have a lease and you never accepted rent from them or agreed to let them stay on your property, you can serve them with a *Demand for Immediate Possession*. You can file your *Eviction Complaint* immediately after you serve this demand.

NOTE: Some qualified renters in foreclosed properties may have additional rights to remain or receive relocation assistance. Talk with a lawyer prior to filing your *Eviction Complaint* if you think that these or other issues could come up.

How do I evict a tenant who has paid their rent but has violated some other lease term?

- You may serve the tenant with a *Notice of Termination for Lease Violation (Other than Non-Payment of Rent)* (also known as a 10-Day Notice) stating that you are terminating the lease. This *Notice* should be specific about how the tenant violated the lease. If possible, you should name the person who violated the lease, describe the violation, and state when the violation happened.
- Some local landlord-tenant laws and leases give the tenant a right to fix the problem before the notice period expires (if the problem can be fixed). This is sometimes called the right to "cure." If the tenant has the right to fix the problem, the *Notice* must inform the tenant of this right. Check the lease and contact your city or county officials and get a copy of any local landlord-tenant laws.

- If the tenant has the right to fix the problem and the tenant fixes the problem before the notice period expires, you may not evict the tenant for that lease violation. If the tenant does not have the right to fix the problem or has the right to but does not fix the problem within the notice period, you can file the *Eviction Complaint* after the notice period ends.

How do I evict a tenant who has no written lease?

- If you ever had an agreement that allowed the occupant to pay rent to stay in the property, they are a tenant whether or not they had a written lease.
- A tenant with no written lease usually has a month-to-month tenancy. Oral leases can also have other types of time periods that require a different kind of notice. If you think your lease is not a month to month, tenancy, you may wish to speak with a lawyer or visit illinoislegalaid.org/legal-information/written-eviction-notices.
- A tenant with a written lease that has expired may also be considered to have a month-to-month tenancy if the landlord continues to accept rent. If you are not sure, talk with a lawyer.
- You must first serve the tenant with a *Notice of Non-Renewal of Lease or Termination of Tenancy* (also known as a 30-Day Notice). You may terminate a month-to-month tenancy with at least 30 days' advance written notice. Most rental periods run from the first of the month to the last day of the month. Therefore, serve your notice at least 30 days before the end of the month.

When can I NOT evict my tenant?

- You may not evict a tenant merely because they have engaged in an activity the law protects.
 - Protected activities include complaining to a government official about conditions at the property.
 - Local landlord-tenant laws may protect additional activities such as requesting reasonable repairs or organizing tenants.
 - You may not engage in unlawful discrimination.

STEP 2: FILL OUT AND FILE AN EVICTION COMPLAINT AND EVICTION SUMMONS

What forms do I need to file an eviction case?

You will need these documents:

- *Eviction Complaint*: asks the court for an eviction and gives information needed to begin the eviction. If there is any past due rent when you file the *Complaint*, you may ask for this rent in the

Complaint. You may also ask for any rent that will come due during the case.

You **MUST** attach the following to the *Eviction Complaint*:

- a copy of the *Notice* or *Demand* (if any);
- *Affidavit of Proof of Service of a Demand or Notice*; AND
- Relevant parts of the written lease, if your *Eviction Complaint* is based on a lease violation other than non-payment of rent. If you had a written lease that ended and you accepted rent from your tenants, you must attach the most recent lease to the *Eviction Complaint*.

If you do not have a *Notice*, *Demand*, or *Affidavit of Service of a Demand or Notice*, or lease:

- you should attach an *Affidavit – Supporting Documents Not Attached to Complaint*. The *Affidavit – Supporting Documents Not Attached to Complaint* explains why you did not attach a *Notice*, *Demand* or lease to the *Eviction Complaint*.
 - If you do not attach the necessary documents to your *Eviction Complaint*, your case may be dismissed.
- *Eviction Summons*: tells the Defendants that you are asking the court for an eviction and gives the court date.
 - *Eviction Order*: is used by the judge to grant or deny your eviction.

Where can I find the forms I need?

You can find the forms at illinoiscourts.gov/Forms/approved/default.asp.

Who should I name as Plaintiff in the *Eviction Complaint*?

- You must be the Plaintiff. The Plaintiff files the lawsuit and is usually the landlord or owner of the property. If a corporation or LLC owns the property, it must hire a lawyer. Property managers cannot file on behalf of the owner.

Who should I name as Defendants in the *Eviction Complaint* when multiple people live on the property?

- You should name every adult who lives in the property.
- You should include “All Unknown Occupants” as a Defendant. If the sheriff comes out to evict the people on the property and finds someone there who was not named, the sheriff will not evict that person unless you have included “All Unknown Occupants” as a Defendant.

When can I ask for rent and other remedies?

In your *Eviction Complaint*, you can ask the court for any of the following:

- To have the sheriff evict the Defendants and give you possession of the property;
- Court costs, including filing and service fees;
- All past due rent and any rent that comes due while the case is pending, if there is an oral or written lease;
- Rental value for the property for the time the Defendants lived in the property, even if there is no oral or written lease. This is called “use and occupancy” value; AND
- Attorney’s fees if you have a written agreement (such as a lease) that says the Defendants are responsible for them, unless local law prohibits this.

If you are unsure about whether you can request a particular remedy in an eviction case, talk with a lawyer.

In your *Eviction Complaint*, you cannot ask for:

- Money to compensate you for damages to the property caused by the Defendants; OR
- Money for other claims against the Defendants that are not related to possession of the property.

Even if you cannot ask for a particular remedy in your *Eviction Complaint*, you may be able to file a different kind of lawsuit.

How can I get a court date (sometimes called a “return date”) to put on my *Eviction Summons*?

You must ask for a court date that gives the sheriff or special process server enough time to serve the Defendant at least 3 days before the court date (7 days in Cook County).

- **Outside Cook County:**
 - Before filing your case, contact your local Circuit Clerk’s office to ask about their process for filing the *Eviction Complaint* and *Summons*. To find the Circuit Clerk’s phone number, visit illinoiscourts.gov/CircuitCourt/CircuitCourtJudge/CCC_County.asp.
 - Once you have your court date, fill in that information on the *Eviction Summons*.
- **In Cook County:**
 - If you are e-filing in Cook County, select your court date in the “return date” field. The Circuit Clerk will print the court date, time and courtroom number on the *Eviction Complaint* and *Eviction Summons* when you e-file.
 - If you are filing in person because you have a *Certification for Exemption from E-filing*, ask the Circuit Clerk for a court date when you file your *Eviction Summons*, and fill it in.

You may be able to attend the court date by phone or video. This is called a “Remote Appearance.” Call the Circuit Clerk or visit their website to find out how to do

this. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CC_County.asp.

What do I do after I fill out my forms?

File your forms with the Circuit Clerk in the county where the property is located.

- If you are filing your *Eviction Complaint* in Cook County, make sure to file it in the municipal district where the property is located. For a map of municipal districts visit: cookcountycourt.org/ABOUTTHECOURT/OrganizationoftheCircuitCourt.aspx.
- You must file these forms:
 - *Eviction Complaint*. You must attach your *Notice or Demand*, as well as your *Affidavit of Service of a Demand or Notice*. If you did not serve a *Notice or Demand*, you should attach an *Affidavit -Supporting Documents Not Attached to Eviction Complaint*; AND
 - *Eviction Summons*. You must include every page of the *Eviction Summons* and you cannot change the form.
- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
 - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your forms and the *Certification*, with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit efile.illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp.

- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your forms.

STEP 3: SERVE THE *EVICTIO* *COMPLAINT AND EVICTIO* *SUMMONS ON THE* *DEFENDANTS*

How do I serve the Defendants with an *Eviction Complaint* and *Eviction Summons*?

The sheriff must serve each of the Defendants at least 3 days (7 days in Cook County) before the first court date (also known as the "return date") which is on the *Eviction Summons*.

- You must deliver to the sheriff, either in person or by mail, copies of your *Eviction Summons* and *Eviction Complaint* (one for each Defendant).
 - In person:
 - Bring the forms to the sheriff's office.
 - Give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) and pay your portion of the sheriff's fees.
 - By mail:
 - Mail copies of your forms to the sheriff's office. Sending your forms to the sheriff by mail may delay your case.
 - Include the *Letter to the Sheriff (Serving an Eviction Summons and Eviction Complaint)* found at illinoiscourts.gov/Forms/approved/.
 - Include a self-addressed and stamped envelope so the sheriff can mail back to you the *Affidavit of Service of Eviction Summons and Eviction Complaint*, which is part of the *Eviction Summons*. This *Affidavit* will state whether, how and when the sheriff served each Defendant.
 - Include a copy of your *Order for Waiver of Court Fees* (if you have one) and pay your portion of the sheriff's fee.
- Serving a Defendant who does not live in the county where the case was filed:
 - Get the name, address, and telephone number for the sheriff in the county where the Defendant lives.

- Call the sheriff's office to confirm the number of copies the sheriff requires.
- If you have an *Order for Waiver of Court Fees*, confirm that the sheriff will accept this. It must be accepted by all sheriffs in Illinois, but not in other states.
- Mail copies of your forms to the sheriff's office as explained in the By mail section above.
- If you are not able to serve the other party before your court date, go to the court date and ask the judge to let you file a new *Eviction Summons* (sometimes called an "Alias Eviction Summons") and set another court date. This will give you time to serve the new *Eviction Summons* with the new date and time.
 - Go back to Step 2 to file this new *Eviction Summons*. Remember to bring the judge's order to the Circuit Clerk setting the new date.
 - Follow Step 3 and ask the sheriff to try to serve the other party again. Remember to attach the original *Eviction Complaint* to the new *Eviction Summons*.
 - If you do not wish to use the sheriff, you may be able to use a special process server to serve the *Eviction Summons* instead.
 - For information about how to use a special process server, see *How to File & Send a Motion to Appoint Special Process Server* at illinoiscourts.gov/Forms/approved/Circuit.asp.

What if the sheriff or special process server has tried and been unable to serve the *Eviction Summons* and *Eviction Complaint* personally?

The sheriff may be able to serve the Defendants by posting notices of the eviction in the area around the property. Serving the Defendants in this way is called "service by posting."

You must follow special rules to serve the Defendants by posting. If you do not follow the special rules, the judge may make you serve the Defendants again.

- Before you can serve by posting, you must first make a "diligent inquiry" to have the sheriff or special process server find and serve the Defendants in person. A diligent inquiry means you have tried every commonsense way to find and serve them. This may include attempts by the sheriff or special process server to find and serve the Defendants at the property on different dates and at different times of day. If you know of other addresses where the Defendants could be served (like their work or a friend or family member's address), you must try to have them served at these addresses as well.
- After you have had the sheriff or special process server make a diligent inquiry and they have been

unable to serve the Defendants in person, then you may serve them by posting.

- To serve the Defendants by posting, you must:
 - Complete an *Affidavit for Service by Posting*, which states why you need to serve by posting. You have to show at least 1 of the following:
 - The Defendant lives outside of Illinois;
 - The Defendant has gone outside of Illinois;
 - You know the Defendant is in Illinois but you cannot find them; OR
 - You cannot find the Defendant after trying your best.
 - Bring your *Affidavit for Service by Posting* to your court date. Tell the judge you will serve the Defendants by posting.
 - Fill out a *Notice Requiring Appearance in Pending Eviction Action*.
- You will need to put a new court date on the *Notice by Posting Requiring Appearance in Pending Eviction Action* before you file it.
 - If you got a court date from the judge, put that date, time and courtroom on the *Notice*.
 - If you did not get a court date from the judge, call the Circuit Clerk to ask for a court date. Put that date, time, and courtroom on the *Notice*.
- File the *Affidavit for Service by Posting* and a copy of the *Notice by Posting Requiring Appearance in Pending Eviction Action* that will be posted.
- The Circuit Clerk or the sheriff may charge fees to file or serve your *Affidavit* and *Notice by Posting Requiring Appearance in Pending Eviction Action*. If you have an *Order for Waiver of Court Fees*, all or part of these fees will be waived.
- After you file, give the *Notice* to the sheriff to post and pay your part of any fees. The sheriff may need multiple copies of the *Notice* or other papers before they will serve the Defendants by posting. Call the sheriff's office and ask for their requirements.
- The sheriff must post the *Notice* at least 10 days before the court date. The sheriff will file an affidavit proving they served the Defendants by posting.

NOTE: Only a sheriff can serve the Defendants by posting. Neither you nor a special process server can serve a Defendant this way.

- At the court date, bring with you:
 - Any earlier *Affidavits of Service of Eviction Summons & Eviction Complaint* showing the Defendants could not be personally served;
 - The *Affidavit for Service by Posting*;
 - The *Notice by Posting Requiring Appearance in Pending Eviction Action*; and
 - The sheriff's posting affidavit, if available.

- If the judge agrees you did what you reasonably could to try to serve the Defendants in person and that you followed the service by posting rules, then they will proceed with the eviction case. The judge may decide to have a trial immediately, or may schedule a new trial date. After you serve the Defendants by posting, prepare for trial before you come to court.
- If you serve the Defendants by posting, you will be able to get an *Eviction Order* if you prove your case in court. However, you will not be able to get a money judgment against the Defendants unless the judge decides they have “personal jurisdiction” over them. Talk to a lawyer about how a judge gets personal jurisdiction over Defendants.

How do I confirm the sheriff served the forms on the other party?

- After the sheriff serves the other party with your court forms, they will fill out the *Affidavit of Service of Eviction Summons & Eviction Complaint* section of your *Eviction Summons* form and file it with the Circuit Clerk OR mail it to you.
 - If the sheriff files the *Eviction Summons* with the completed *Affidavit of Service of Eviction Summons & Eviction Complaint* directly with the Circuit Clerk, call the Circuit Clerk to find out if it has been filed. If it has been filed, ask the Circuit Clerk how to get a copy.
 - If the sheriff mails the *Eviction Summons* with the completed *Affidavit of Service of Eviction Summons & Eviction Complaint* to you, e-file the *Affidavit of Service of Eviction Summons & Eviction Complaint*. If you have an e-filing exemption, make a copy for yourself and file the *Affidavit of Service of Eviction Summons & Eviction Complaint* with the Circuit Clerk and have the Circuit Clerk stamp your copy.

STEP 4: GO TO COURT

Get ready for your court date.

- You may be able to attend the court date by phone or video. This is called a “Remote Appearance.” Call the Circuit Clerk or visit their website to find out how to do this. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CCC_County.asp.
- Gather and make copies of pictures and documents you want the judge to see. Be prepared to explain why the pictures or documents are important. Bring the original for the judge and copies for you and the Defendants.
- Talk to anyone who you want as a witness and ask them to come to the court date with you. Decide and

write down the questions you will ask the witnesses at the court date.

- Decide and write down what you will say to the judge if asked to tell your side of the case.
- Go to your court date.**
- Bring these items with you to court:
 - A copy of the *Eviction Complaint* and *Eviction Summons*;
 - Proof that the *Eviction Summons* and *Eviction Complaint* were served on the Defendants;
 - a copy of the *Notice* or *Demand* (if any);
 - *Affidavit of Proof of Service of a Demand or Notice*;
 - The written lease if your *Eviction Complaint* is based on a lease violation, other than non-payment of rent;
 - *Affidavit – Supporting Documents Not Attached to Complaint* if you do not have a *Notice*, *Demand*, or *Affidavit of Service of a Demand or Notice*;
 - If you are evicting the Defendants for nonpayment of rent, bring a copy of your rent ledger, receipt book, and any other documents to show how much the Defendants owe;
 - If you are evicting the Defendants for a lease violation other than nonpayment of rent, bring any documents, photographs, or other evidence showing that the Defendants committed the lease violation; AND
 - Any other evidence or witnesses that you feel may be important to your case.
 - Get to the courthouse at least 30 minutes early.
 - Go to the courtroom number listed on your court form.
 - Check in with the courtroom staff and wait for your name and case number to be called.
 - When your case is called, approach the bench (which is where the judge sits), introduce yourself and give the Defendants an opportunity to introduce themselves.

Will my case go to trial on the first court date?

- It may, but the judge may continue the case for any number of reasons, such as:
 - You cannot show you properly served the *Eviction Summons*;
 - The Defendants may ask for time to get a lawyer;
 - The Defendants may file a jury demand (asking that the case be decided by a jury instead of a judge); OR
 - The judge may grant either party more time to gather necessary evidence. For more

information about how to get evidence, including from the other side, see illinoislegalaid.org/legal-information/using-discovery-lawsuit.

- If you do not follow your sheriff's office procedures, it could delay the eviction.
- If you have an *Order for Waiver of Court Fees*, all or a portion of any fee the sheriff charges will be waived. Give a copy of your *Order* to the sheriff.

What happens during the trial?

- You will be placed under oath. You will have a chance to tell the judge your side of the case.
- The Defendants can question you and your witnesses.
- The Defendants then have the chance to tell the judge their side of the case.
- You can question the Defendants and their witnesses.
- You and the Defendants can show documents to the judge. The judge will decide what evidence will be used to decide the case.

How do I get the tenants to pay the money judgment?

If the tenant does not pay you the money listed on the *Eviction Order*, you may have to go back to court to try to collect the money. For more information see: illinoislegalaid.org/legal-information/collecting-judgment.

What happens after both sides present their case?

- The judge will make a decision and enter an order.
- If the judge needs more information to make a decision, the judge may continue the case to a later date. If the judge wants more information, write down what is needed and bring it with you to the next court date.
- If the judge has enough information to make a decision, they will enter an order.
- If the judge rules in your favor, the order will give you possession of your property. The order may also award you the rent due, court costs, and attorneys' fees. The order will give a date and time by which the Defendants must move out. If the Defendants do not move by that time, you may contact the sheriff (see Step 5). **ONLY THE SHERIFF MAY EVICT THE DEFENDANTS!**
- If the judge rules against you, the judge will dismiss your case.

STEP 5: ENFORCE THE EVICTION ORDER

How do I get the sheriff to evict the tenants?

After court, you must take the *Eviction Order* to the sheriff's office. You may need to fill out extra forms, make copies, get certified copies, and/or pay fees.

- You will need to ask your sheriff's office what their process is for:
 - telling you when they will come to do the eviction (because you or someone on your behalf must be at the property when the sheriff goes out);
 - having the locks changed;
 - removing any personal property from the unit; AND
 - any other requirements.

NOTICE OF TERMINATION FOR NON-PAYMENT OF RENT

Instructions ▼
<p>This <i>Notice</i> is commonly called a "5-Day Notice." However, the lease or local law may require a longer notice period (see 2b below).</p>
<p>Identify the tenants and mailing address.</p>

Date: _____

To:

Tenant Names

And any unknown occupants.

Street Address

Unit

City

State

ZIP

In **1**, enter the total amount of rent currently due.

1. You owe \$ _____ in rent for the property located at:

Street Address

Unit

City

State

ZIP

In **2**, check **2a** unless the law or lease requires you to give the tenant more time to pay. If you check **2b**, enter the number of days the tenant has to pay.

2. You must pay the full amount you owe within:

a. 5 days, OR

b. _____ days (*must be more than 5 days*)

after the date this *Notice* is served. If you do not, your lease will be terminated and your landlord may file an eviction case against you and unknown occupants.

NOTE:

- For how to determine when the 5 days end, see *How to File & Present an Eviction Case*.
- Only FULL PAYMENT of the rent demanded in this *Notice* will waive the landlord's right to terminate the lease under this *Notice* unless the landlord agrees in writing to continue the lease in exchange for receiving partial payment.

After you finish this form, sign and print your name.

Landlord or Agent Signature

Street Address

Enter your complete current address, telephone number, and email address, if you have one.

Print Your Name

City, State, ZIP

Telephone

Email

NOTE:

After this *Notice* is served, the person who serves this *Notice* should complete the *Affidavit of Service of a Demand or Notice* available at illinoiscourts.gov/Forms/approved/.

NOTICE OF TERMINATION FOR LEASE VIOLATION (OTHER THAN NON-PAYMENT OF RENT)

Instructions ▾

This *Notice* is commonly called a "10-Day Notice." However, the lease or local law may require a longer notice period.

Identify the tenants and their mailing address.

This *Notice* cannot be used to terminate a lease for non-payment of rent. For those cases, use the *Notice of Termination for Non-Payment of Rent* form.

Date: _____

To:

Tenant Names

And any unknown occupants.

Street Address

Unit

City

State

ZIP

In 1, describe the violation, and state when it happened.

1. You have violated your lease by: _____

In 2, enter the address of the leased property.

2. Because you violated your lease, I am terminating your lease for the property located at:

Street Address

Unit

City

State

ZIP

NOTE: The lease or local law may give the tenant a right to correct the lease violation. If the tenant has this right, the landlord must inform the tenant of this right by checking the correct box in 3 below.

In 3, check 3a if the lease or a local law gives the tenant a right to correct the violation. Otherwise, check box 3b.

3. Correcting the violation (*check a or b*):

a. You have the right to correct the lease violation. You must fix the violation described above within _____ days (*it must be at least 10 days*) or your lease will terminate when this period ends and I may file an eviction case against you.

b. You do not have the right to correct the lease violation. Your lease will end in _____ days (*it must be at least 10 days*). If you do not move out of the property by the end of this period, I may file an eviction case against you.

After you finish this form, sign and print your name.

Landlord or Agent Signature

Street Address

Enter your complete current address, telephone number, and email address, if you have one.

Print Your Name

City, State, ZIP

Telephone

Email

NOTE: After this *Notice* is served, the person who serves this *Notice* should complete the *Affidavit of Service of a Demand or Notice* available at illinoiscourts.gov/Forms/approved/.

**NOTICE OF NON-RENEWAL OF LEASE
OR TERMINATION OF TENANCY**

Instructions ▼
This *Notice* is commonly called a "30-Day Notice." However, the lease or local law may require a longer notice period.

Date: _____

To:

Identify the tenants and mailing address.

Tenant Names

And any unknown occupants.

Street Address

Unit

City

State

ZIP

In 1, enter the date the lease ends and the address of the property.

1. Your lease or tenancy for this property is ending on _____ . It will not be renewed
Date
when it ends and will terminate on that date.

Street Address

Unit

City

Stat

ZIP

2. I am serving this *Notice* at least 30 days before the end of your lease so you have time to move out. If you do not move out by the time your lease ends, I may file a lawsuit to evict you.
3. In the meantime, you must still pay the rent you owe and follow the other terms of your lease.

After you finish this form, sign and print your name.
Enter your complete address, telephone number, and email address, if you have one.

Landlord or Agent Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

Email

NOTE:

After this *Notice* is served, the person who serves this *Notice* should complete the *Affidavit of Service of a Demand or Notice* available at illinoiscourts.gov/Forms/approved/.

DEMAND FOR IMMEDIATE POSSESSION

NOTE: This form can only be used in limited circumstances (for example, when evicting squatters or trespassers). Read *How to File & Present an Eviction Case* for more information.

Instructions ▼
Enter today's date.

Date: _____

To:

Identify the occupants and mailing address.

Occupant Names and Any Unknown Occupants

Street Address *Unit*

City *State* *ZIP*

In 1, enter the address of the leased property.

1. You have no right to be in the property located at:

Street Address *Unit*

City *State* *ZIP*

2. I demand you leave immediately. If you do not leave immediately, I may file an eviction case against you and any unknown occupants living at the property.

After you finish this form, sign and print your name.

Landlord or Agent Signature

Street Address

Enter your complete address, telephone number, and email address, if you have one.

Print Your Name

City, State, ZIP

Telephone

Email

NOTE: After this Notice is served, the person who serves this Demand should complete the *Affidavit of Service of a Demand or Notice* available at illinoiscourts.gov/Forms/approved/.

AFFIDAVIT OF SERVICE OF A DEMAND OR NOTICE

Instructions ▼

In 1, enter your name and the date you served the occupants.

In 2, check the box that states how you delivered the *Demand* or *Notice*. Do not use the method in **d** unless the property is vacant.

The person who served the *Notice* or *Demand* should complete this *Affidavit*. Attach the completed *Affidavit* to the *Eviction Complaint* and bring a copy to court on the date of the first hearing.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

Enter your current address and telephone number.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

1. I, _____, served the attached *Demand* or *Notice*
Name of person who served the demand or notice
on _____ .
Date

2. I served the *Demand* or *Notice* by:

- a. Delivering a copy to a tenant or occupant named on the *Demand* or *Notice*.
This person's name is _____ .
Name
- b. Leaving a copy with a person who is at least 13 years old and is an occupant who is not named in the *Demand* or *Notice*.
This person's name is _____ .
Name (if known)
- c. Sending a copy by certified/registered mail, with return receipt from the addressee (*USPS green card is attached*).
- d. Posting a copy on the property because no one is in actual possession of the property.

I certify that everything in the *Affidavit of Service of a Demand or Notice* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/
Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

Email

In 4, check the boxes for which documents are attached. You must attach the *Demand or Notice*, including the *Affidavit of Service of a Demand or Notice*.

If your *Eviction Complaint* is based on violation of a lease provision, other than non-payment of rent, you must attach a copy of the lease, or relevant portions of it.

If you do not attach the *Demand, Notice* or lease, you should complete and attach the *Affidavit – Supporting Documents Not Attached to Eviction Complaint*.

4. Attached to the *Eviction Complaint* are (check all that apply):

- The *Demand or Notice*
- Affidavit of Service of a Demand or Notice*
- The written lease agreement
- Affidavit – Supporting Documents Not Attached to Eviction Complaint*
- Other documents supporting the *Eviction Complaint* (describe): _____

- No documents are attached.

Under [Illinois Supreme Court Rule 137](#), your signature means that you have read the document, that to the best of your belief, it is true and correct and that you are not filing it for an improper purpose, such as to cause delay.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

/s/
Your Signature

Print Your Name

Street Address

City, State, ZIP

Telephone

Email

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY _____	AFFIDAVIT - SUPPORTING DOCUMENTS NOT ATTACHED TO EVICTION COMPLAINT	<i>For Court Use Only</i>
Instructions ▼		
Directly above, enter the name of the county where you will file the case.	Plaintiff (For example, the landlord or owner): _____ _____	
Enter your name as Plaintiff.		
Below "Defendants," enter the names of the people you are trying to evict.	v. Defendants (First, middle, last name): _____ _____	
The sheriff will only evict unknown occupants if the "Unknown Occupants" box is checked.	<input type="checkbox"/> Unknown Occupants (Check this box only if you checked Unknown Occupants on the Eviction Complaint and Eviction Summons.)	
Enter the case number given by the Circuit Clerk.		_____ Case Number

NOTE: You only need to fill out and attach this *Affidavit* to the Eviction Complaint if you do not attach the Notice, Demand, affidavit or proof of service of a Notice or Demand, or Lease.

In 1, check the box that states why you did not attach a Notice or Demand.	Check all that apply: <input type="checkbox"/> 1. I did not attach a Notice or Demand to the Eviction Complaint because: <input type="checkbox"/> I cannot find or did not save my copy. <input type="checkbox"/> A Notice or Demand is not required in this case. <input type="checkbox"/> Other reason: _____ <input type="checkbox"/> 2. I did not attach a copy of an affidavit or proof of service of a Demand or Notice because: <input type="checkbox"/> I cannot find or did not save my copy. <input type="checkbox"/> A Notice or Demand is not required in this case. <input type="checkbox"/> Other reason: _____ <input type="checkbox"/> 3. I did not attach a copy of a written lease to the Eviction Complaint because: <input type="checkbox"/> I am not required to attach a written lease. <input type="checkbox"/> I did not have a written lease with Defendants. <input type="checkbox"/> I cannot find or did not save a copy of the written lease. <input type="checkbox"/> Other reason: _____	
In 2, check the box that states why you did not attach the affidavit or proof of service of a Notice or Demand.		
In 3, check the box that states why you did not attach a written lease.		
If you need more information, read <i>How to File & Present an Eviction Complaint</i> .		
Under the Code of Civil Procedure, 735 ILCS 5/1-109 , making a statement on this form that you know to be false is perjury, a Class 3 Felony.		
If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.	_____ <i>/s/</i> Your Signature	_____ Street Address, Unit #
Enter your complete address, telephone number, and email address, if you have one.	_____ Print Your Name	_____ City, State, ZIP
	_____ Telephone	_____ Email

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	EVICTION SUMMONS	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name as Plaintiff. Below "Defendants," enter the names of all the people you are trying to evict. The sheriff will only evict unknown occupants if the "Unknown Occupants" box is checked. The Circuit Clerk will add a Case Number.	<p>Plaintiff (For example, the landlord or owner):</p> <p>_____</p> <p>_____</p> <p style="text-align: center;">v.</p> <p>Defendants (First, middle, last name):</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Unknown Occupants (<i>Unknown Occupants are people living in the property whose names you do not know.</i>)</p> <p><input type="checkbox"/> Alias Summons (<i>Check this box if this is not the 1st Summons issued for this Defendant.</i>)</p>	<p style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">Case Number</p>

NOTE: If you are suing more than 1 Defendant, fill out an *Eviction Summons* form for each Defendant, including 1 *Eviction Summons* for all Unknown Occupants, if checked.

In 1(a), enter the name and primary address of Defendant.

In 1(b), enter a 2nd address for Defendant, if you have one.

In 1(c), check how you are sending your documents to that Defendant. If you need more information, see *How to File Present & Eviction Case* available at illinoiscourts.gov/Forms/approved/Circuit.

- 1. Defendant's address and service information:**
 - a. Defendant's primary address/information for service:

Name (*First, Middle, Last*): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____

Email Address: _____
 - b. If you have more than one address where Defendant might be found, list that here:

Name (*First, Middle, Last*): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____

Email Address: _____
 - c. Method of service on Defendant:

Sheriff OR

Special process server

In 2, enter your contact information.

Enter your complete address, telephone number, and email address, if you have one.

- 2. Contact information for the Plaintiff:**

Association Landlord/Owner Agent Receiver

Name (*First, Middle, Last*): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____

Email Address: _____

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

In 3, enter:

- your court date and time;
- the address of the court building and room where the court date will take place; AND
- the Circuit Clerk’s phone number.

Note: You must ask for a court date that gives the sheriff or special process server enough time to serve the Defendant at least 3 days before the court date (7 days in Cook County).

For more information about how to complete 3, see *How to File & Present an Eviction Case* available at illinoiscourts.gov/Forms/approved/Circuit.

3. **The court date is** _____ at: _____ a.m. p.m.
Date *Time*

The hearing will be at this address: _____
_____ in this courtroom: _____

You may be able to attend this court date by phone or video. This is called a “Remote Appearance.” Call the Circuit Clerk at: _____

Local Circuit Clerk’s phone number

or visit their website to find out how to do this.

Instructions for person getting this form (Defendant):

The Plaintiff has filed a case in court to have you evicted. The Plaintiff’s *Eviction Complaint* is attached.

- **If you do not go to court**, you could lose the case by default.
- The judge could order you to move and pay the Plaintiff money.
- Before you go to court, read **YOU HAVE RIGHTS** on page 3.

STOP!

The Circuit Clerk will fill in this section.

STOP!

The officer or process server will fill in the Date of Service.

Witness this Date: _____

Seal of Court

Clerk of the Court: _____

To the Sheriff or special process server: Serve this *Eviction Summons* and *Eviction Complaint* on the Defendant named above. This summons must be served at least 3 days before the court date (7 days in Cook County). Check with the Circuit Clerk.

Date of service: _____
(Date to be entered by an officer or process server on the copy of this Summons left with the Defendant or other person.)

Plaintiff:

To serve this *Summons*, see *How to Serve a Summons* at illinoiscourts.gov/Forms/approved/Circuit.asp.

All court users:

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk’s office.

ARE YOU THE DEFENDANT? SEE BELOW

AN EVICTION CASE HAS BEEN FILED

The Plaintiff is trying to evict you. If you lose this case, you will have to move and possibly pay the Plaintiff money. Get to court on time. Only you or a lawyer can appear in court on your behalf. You may not send a friend or relative in your place. If you want to talk to a lawyer about your case, ask the judge for a continuance.

IF YOU DO NOT GO TO COURT

The case will go ahead whether or not you go to court. If you are not in court, the judge will only hear the Plaintiff's side of the story and may order you to move within a very short period of time. If you do not move during that period, the sheriff can evict you and all other occupants from the property and you may lose your belongings. If you miss your court date and the judge orders you to move, you can file a motion explaining why you missed court and ask the judge for another chance to explain why you should not be evicted. Talk to a lawyer or visit illinoislegalaid.org/ for more information.

YOU HAVE RIGHTS

1. You may come to court and tell your side of the story. If you have any receipts, photographs, or other documents that support your side of the story, bring them to court. You can let the judge know that you have these documents when it is your turn to speak.
2. You have a right to demand a trial by jury. Jury trials are complicated, so you may want to consult with a lawyer before demanding a jury trial. A jury demand should be filed on or before the first date you have to come to court. If you have not done it by that date, the judge might not give you more time to file it.
3. You may have a lawyer represent you in court but the court will not appoint a lawyer for you. If you want a lawyer, you must get one right away. You may go to the court date and ask the judge for time to get a lawyer.
4. You may be required to pay a fee to file an appearance or a jury demand. If you cannot afford the fee, you may fill out and file an *Application for Waiver of Court Fees* found at: illinoiscourts.gov/Forms/approved/.
5. If you do not have a lawyer but can afford one, you can call one of the following Lawyer Referral Services and ask them to recommend a lawyer for you:
 - Chicago Bar Association Lawyer Referral Service: (312) 554-2001
 - Cook County Bar Association Lawyer Referral Service: (312) 630-1157
 - Illinois State Bar Association: (800) 922-8757
 - Other Lawyer Referral Services are available online.
6. If you cannot afford a lawyer, a legal aid organization may be able to help you for free or at a reduced rate.
If you live in Cook County, call CARPLS: (312) 738-9200. CARPLS is a legal aid referral service that can connect you with one of Cook County's many legal aid organizations. You may also contact these organizations directly:
 - Cabrini Green Legal Aid (CGLA): (312) 738-2452
 - Lawyers' Committee for Better Housing (LCBH): (312) 347-7600
 - Legal Aid Chicago: (312) 341-1070**If you live in Northern Illinois but outside Cook County**, call Prairie State Legal Services: (800) 531-7057
If you live in Central and Southern Illinois, call Land of Lincoln Legal Aid: (877) 342-7891
7. For more information about your rights, visit: illinoislegalaid.org/.

that I was not able to serve the *Eviction Summons* and *Eviction Complaint* on the Defendant,

First, Middle, Last

I made the following attempts to serve the *Eviction Summons* and *Eviction Complaint* on the Defendant:

1. On this date: _____ at this time: _____ a.m. p.m.
Street Address, Unit #: _____
City, State, ZIP: _____
Other information about service attempt: _____

2. On this date: _____ at this time: _____ a.m. p.m.
Street Address, Unit #: _____
City, State, ZIP: _____
Other information about service attempt: _____

3. On this date: _____ at this time: _____ a.m. p.m.
Street Address, Unit #: _____
City, State, ZIP: _____
Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are a special process server, or licensed private detective, your signature certifies that everything on the *Affidavit of Service of Eviction Summons & Eviction Complaint* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

By:

Signature by: Sheriff
 Special process server/
licensed private
detective

FEES
Service and Return: \$ _____
Miles: _____ \$ _____
Total: _____ \$ _____

Print Name

If *Summons* is served by licensed private detective or private detective agency:
License Number: _____

**LETTER TO THE SHERIFF
(SERVING AN EVICTION SUMMONS & EVICTION COMPLAINT)**

Instructions:

1. Complete this letter. If there is more than 1 Defendant and they do not all live in the same county, you will need to complete this letter **for each** sheriff that you will be asking to serve an *Eviction Summons*.
2. If you are evicting more than 1 Defendant, include a separate *Eviction Summons* form for each Defendant.
3. With this letter, include:
 - 3 copies of the *Eviction Summons* **for each** Defendant to be served;
 - 1 copy of your *Eviction Complaint* **for each** Defendant to be served;
 - Your portion of the fee for the cost of serving each *Eviction Summons* and the *Order for Waiver of Court Fees*, if you have one; and
 - Self-addressed and stamped envelope.

The sheriff will mail you back the *Proof of Service* that they served the *Eviction Summons* and *Eviction Complaint* on the Defendants.
4. Send your letter and the documents listed above to the sheriff's office in the county and state where the Defendant lives.

Date: _____
 Sheriff of _____ County
 Address of Sheriff: _____

Re: _____ v. _____ Case Number: _____
Plaintiff Defendants

Dear Sheriff:

I am enclosing an *Eviction Summons* and *Eviction Complaint* for each Defendant to be served. Name of each Defendant to be served: _____

Check the box that applies:

- I have enclosed an *Order for Waiver of Court Fees* granting a full (100%) waiver of my service fees.
- I have enclosed an *Order for Waiver of Court Fees* granting a _____% waiver of my service fees which reduces the cost of service. I have enclosed the reduced cost of service \$_____.
(To determine how much to send, contact the sheriff and ask how much is charged for service. Inform the sheriff of your partial fee waiver. The sheriff may tell you the reduced cost of service. If the sheriff does not tell you, then reduce the cost by the percentage in your fee waiver.)
- I was not granted an *Order for Waiver of Court Fees*. I have enclosed the cost of service \$_____.
(To determine how much to send, contact the sheriff and ask how much is charged for service.)

After you have served the enclosed documents, please complete the *Affidavit of Service of Eviction Summons & Eviction Complaint* and return it to me in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.
Sincerely,

/s/ _____
Signature (If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name).

_____ *Print Your Name*

_____ *Street Address, Unit#*

_____ *City State ZIP*

_____ *Phone*

_____ *Email*

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	AFFIDAVIT FOR SERVICE BY POSTING	<i>For Court Use Only</i> _____ Case Number
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name as Plaintiff. Below "Defendants," enter the names of the people you are trying to evict. The sheriff will only evict unknown occupants if the "Unknown Occupants" box is checked. Enter the case number given by the Circuit Clerk.	Plaintiff (For example, the landlord or owner): _____ _____ _____ v. Defendants (First, middle, last name): _____ _____ _____ <input type="checkbox"/> Unknown Occupants (Check this box only if you checked Unknown Occupants on the Eviction Complaint and Eviction Summons.)	

NOTE: Before you use this form, the sheriff or special process server must try to serve the Defendant and return the *Eviction Summons* saying they could not be served under [735 ILCS 5/9-107](#).

In 1, enter the name of the Defendant who the sheriff or special process server has been unable to serve.	1. I have been unable to serve _____ with the <i>Eviction Summons</i> . <div style="text-align: center;"><i>Name of Defendant</i></div> The sheriff or special process server attempted to serve the Defendant but returned the <i>Eviction Summons</i> saying the Defendant could not be served.
In 2, check the reason why the Defendant cannot be served personally or by substitute service.	2. I believe the Defendant cannot be served personally or by substitute service (<i>servng a household member</i>) because (<i>check one of the following</i>): <input type="checkbox"/> The Defendant lives outside of Illinois; <input type="checkbox"/> The Defendant has gone outside of Illinois; <input type="checkbox"/> I know the Defendant is in Illinois but I cannot find them; OR <input type="checkbox"/> I cannot find the Defendant after trying my best.
Under the Code of Civil Procedure, 735 ILCS 5/1-109 , making a statement on this form that you know to be false is perjury, a Class 3 Felony.	3. Defendant's last known address is: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> <i>Street Address, Unit #</i> <i>City</i> <i>State</i> <i>ZIP</i> </div>
If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.	<p>I certify that everything in the <i>Affidavit for Service by Posting</i> is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> _____ <i>/s/</i> <i>Your Signature</i> </div> <div style="width: 45%;"> _____ <i>Street Address</i> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> _____ <i>Print Your Name</i> </div> <div style="width: 45%;"> _____ <i>City, State, ZIP</i> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> _____ <i>Telephone</i> </div> <div style="width: 45%;"> _____ <i>Email</i> </div> </div>
Enter your complete address, telephone number, and email address, if you have one.	

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	NOTICE BY POSTING REQUIRING APPEARANCE IN PENDING EVICTION ACTION	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of county where you will file the case. Enter your name as Plaintiff. Below "Defendants," enter the names of the people you are trying to evict. The sheriff will only evict unknown occupants if the "Unknown Occupants" box is checked. Enter the case number given by the Circuit Clerk.	<p>Plaintiff (For example, the landlord or owner):</p> _____ _____ v. <p>Defendants (First, middle, last name):</p> _____ _____ _____	_____ Case Number
NOTE: The day set for appearance must be at least 10 days after the copies of this notice are posted.		

NOTE: The day set for appearance must be at least 10 days after the copies of this notice are posted.

In 1, enter the Defendant's name.

1. To: _____
Defendants or Unknown Occupants

You are hereby notified that _____
Plaintiff

is seeking to recover possession of the property located at:

Enter the address of the property.

_____ *Street Address* _____ *Unit*
 _____ *City* _____ *State* _____ *ZIP*

2. Plaintiff tried to notify you of this lawsuit by *Eviction Summons* but was not able to deliver it to you. The Plaintiff filed an *Affidavit for Service by Posting* stating they are unable to obtain personal service on you.

You are hereby required to appear in person on:

_____ at _____ a.m. p.m.
Date *Time*
 in Courtroom _____ at _____
Number *Street Address*

Enter the date, time, courtroom number and the full address of the courthouse.

_____ *City* _____ *State* _____ *ZIP*

for the TRIAL of this case. You can hire a lawyer to help you. Your lawyer must file an *Appearance* to represent you at trial. If you or your lawyer do not show up, the judge may issue a judgment by default for possession of the property. Once the judge issues a default judgment, the sheriff may evict you.

STOP!

The Circuit Clerk will fill in this section.

Witness this Date: _____

Seal of Court

Clerk of the Court: _____